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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/523,896	11/02/2005	Arthur Raymond Winn	BMADD 1031736	9489
27111 GORDON & REES LLP 101 WEST BROADWAY SUITE 1600 SAN DIEGO, CA 92101	7590 06/11/2009		EXAMINER VOLZ, ELIZABETH J	
			ART UNIT 3781	PAPER NUMBER
			NOTIFICATION DATE 06/11/2009	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ipdocket@gordonrees.com  
cworthem@gordonrees.com

### Office Action Summary

**Application No.**

10/523,896

**Applicant(s)**

WINN ET AL.

**Examiner**

ELIZABETH VOLZ

**Art Unit**

3781

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 January 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11 and 13-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 and 13-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 February 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
- Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 8-11 and 13 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claim 8 discloses "two pairs of opposite side gates and two pairs of opposite end gates" which was not previously disclosed.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

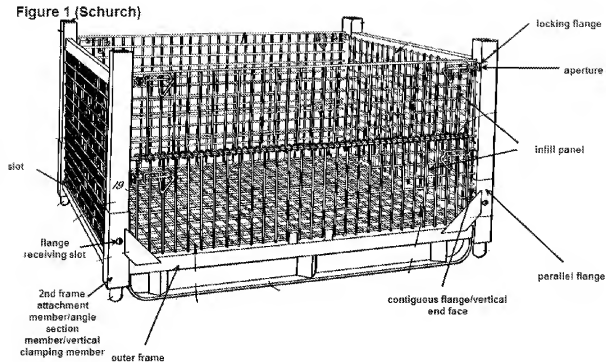
A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-4, 6, 14, 15, 19 and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by Schurch (U.S. Patent No. 3,981,410).

5. Regarding Claim 1, Schurch discloses a collapsible storage container 10 (Figure 1) comprising: a base 11 (Figure 1); two pairs of opposite side 13 (Figure 1) and end gates 14 (Figure 1) each pivotally mounted with respect to the base for folding movement between an erect in-use position and a collapsed position on top of the base, each said gate having a rectangular infill panel (Figure 1 below) having an inner face and an outer face (Figure 1), and an outer perimeter frame (Figure 1 below) secured to the outer face of the infill panel, first elongate perimeter frame attachment members 12 (Figure 1) attached to and extending along opposite vertical margins of each of the side gates and each having a laterally inwards directed locking flange (Figure 1) lying in a plane parallel to the plane of the inner face of said infill panel of said each side gate and spaced inwardly therefrom, second elongate perimeter frame attachment members (Figure 1 below) attached to and extending along opposite vertical margins of each of the end gates and defining therewith an outwardly opening locking flange receiving slot (Figure 1 below), said first and second frame attachment members, when the container is in its erect in-use condition, interlocking with one another with said locking flanges 51 (Figure 4) located in respective said flange receiving slots 50 (Figure 4), and locking means to releasably lock the first and second frame attachment members against relative movement when in their interlocking condition and to in turn lock pairs of adjacent side and end gates together in their erect in-use positions (Figure 4).



6. Regarding Claim 2, Schurch discloses a first perimeter frame attachment member 12 (Figure 1) which is an approximate C-section post 42 (Figure 12) which terminates at one of its ends in said laterally inwards directed locking flange, the free edge of said locking flange (Figure 1 above) being spaced laterally outwards from the vertical margin of the outer frame, and at its other end in an inturned inwardly directed attachment flange arranged to be attached to a respective said vertical margin (Figure 1).

7. Regarding Claims 3 and 14, Schurch discloses each said second perimeter frame attachment member (Figure 1 above) is of angle cross-section having one flange (Figure 1 above) contiguous with the inner face of its associated said infill panel, and its other flange (Figure 1 above) projecting outwardly and lying parallel with a respective said vertical margin of the gate and spaced therefrom so as to form a respective said

flange receiving slot which extends approximately the length of the vertical edge of the gate (Figure 1).

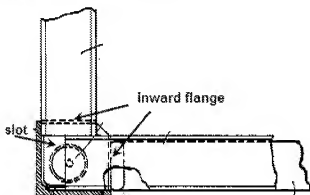
8. Regarding Claims 4 and 15, Schurch discloses detachable securing means 35 (Figure 3) for detachably securing each said first frame attachment member along a respective vertical margin of its associated said gate.

9. Regarding Claims 6 and 19, Schurch discloses each said side gate is provided with an angle section frame member (Figure 1 above) extending along each of its vertical margins, each angle section frame member having one of its flanges (Figure 1 above) abutting the inner face of the infill panel, and its other flange (Figure 1 above) extending rearwardly and lying parallel to a vertical margin of the outer perimeter frame, said other flange being spaced from said vertical margin so as to define an elongate slot (Figure 1 above) for receiving a respective said attachment flange of a said C-section post 42 (Figure 12).

10. Regarding Claim 22, Schurch discloses a collapsible storage container 10 (Figure 1), comprising: a base 11 (Figure 1); two opposite side gates 13 (Figure 1) and two opposite end gates 14 (Figure 1), each gate being pivotally connected to the base and pivotal between a collapsed position (Figure 10) and an erect position (Figure 1) in which adjacent gates interlock, each gate comprising: two opposite vertical frame members 12 (Figure 1), each vertical frame member having a vertical end face (Figure 1 above) perpendicular to the gate; a vertical clamping member (Figure 1 above) removably fastened to each vertical frame member, each vertical clamping member having a clamping flange (Figure 2 above) and an outwardly facing flange (Figure 1

above) perpendicular to the clamping flange, the outwardly facing flange forming an outwardly facing flange-receiving slot (Figure 1 above) extending the entire length of the vertical end face of the vertical frame member; an infill panel (Figure 1 above) removably clamped to the two opposite vertical frame members by the vertical clamping members, the clamping flanges of each clamping member abutting against an inner surface of the infill panel; and four C-section posts 42 (Figure 12), one C-section post being removably attached to each vertical frame member of the two opposite side gates, each C-section post having two perpendicular inwardly facing flanges (Figure 12 below) located within the outwardly facing flange-receiving slots (Figure 12 below) of the vertical end faces of adjacent side gates and end gates (Figure 12).

**Figure 12 (Schurch)**

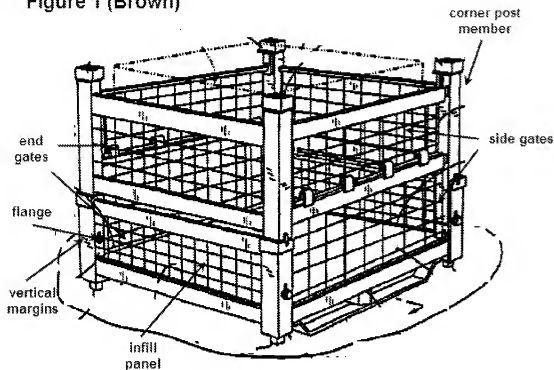


11. Claims 8, 9, 11 and 13 are rejected under 35 U.S.C. 102(e) as being anticipated by Brown (U.S. Patent No. 6,691,885).
12. Regarding Claim 8, Brown discloses a collapsible storage container 10 (Figure 1) comprising a base 12 (Figure 1); two pairs of opposite side gates (Figure 1 below) and

two pairs of opposite end gates (Figure 1 below), each said gate pivotally mounted with respect to the base for folding movement between an erect in-use position (Figure 1) and a collapsed position (Figure 4) on top of the base, each said gate having an infill panel 122 (Figure 5) having an inner face and an outer face (Figure 5), and an outer perimeter frame secured to the outer face of the infill panel so as to define at least vertical margins (Figure 1 below) thereof; said adjacent vertical margins of adjacent said gates when in their erect in-use positions, being interconnected by a corner post member (Figure 1 below) detachably secured to and abutting each said vertical margin, each said corner post member having a pair of inwardly directed locking flanges (Figure 7) which respectively locate in outwardly opening flange receiving slots (Figure 4) on the vertical margins of adjacent gates when the gates are in their erect in-use positions, the corner post members extending along the vertical margins of the gates there being locking means 68 (Figure 18) for releasably locking each within its associated said flange receiving slot.



**Figure 1 (Brown)**



13. Regarding Claim 9, Brown discloses each of the gates has a two-flanged elongate angle frame member extending along each of its vertical margins with a first flange (Figure 1 above) abutting the inner face of the infill panel and a second outwardly directed flange 68 (Figure 18) extending parallel to the vertical margin of the gate and spaced outwards therefrom so as to define said outwardly opening flange receiving slot 48 (Figure 11) extending along the entire length of the vertical edge of the gate.

14. Regarding Claim 11, Brown discloses an infill panel 122 (Figure 5) which is clamped between said angle frame members and the outer perimeter frame by removable fasteners 108 (Figure 13).

15. Regarding Claim 13, Brown discloses an infill panel 122 (Figure 5) is clampingly secured between said angle frame members and the outer perimeter frame by means of screws or other suitable removable fasteners 108 (Figure 13).

***Claim Rejections - 35 USC § 103***

16. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

17. Claims 5, 7, 16-18, 20 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schurch (U.S. Patent No. 3,981,410) in view of Ryziuk et al. (U.S. Patent No. 6,299,009).

18. Regarding Claim 5, 7, 16, 18, 20 and 21, Schurch discloses detachable securing means 35 (Figure 3) movable between an extending locking position wherein each locking bolt passes through an aperture (Figure 1 above) formed in said attachment flange of the C-section post 42 (Figure 12) and a retracted unlocked position, in which position the C-section post can be detached from its associated said gate (Column 4, Lines 11-13). Schurch does not disclose the detachable securing means to be spring-loaded locking bolts. However, Ryziuk et al. teaches spring-loaded locking bolts 10 (Figure 2a; Column 13, Lines 7-29). Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify Schurch to include spring-loaded locking bolts, as taught by Ryziuk et al., in order to keep the bolts from accidentally sliding to an unlocked position.

19. Regarding Claim 17, Schurch discloses each side gate which is provided with an angle section frame member (Figure 1 above) extending along each of its vertical margins, each angle section frame member having one of its flanges (Figure 1 above) abutting the inner face of the infill panel, and its other flange (Figure 1 above) extending rearwardly and lying parallel to a vertical margin of the outer perimeter frame, said other flange being spaced from said vertical margin so as to define an elongate slot (Figure 1 above) for receiving a respective said attachment flange of a said C-section post 42 (Figure 12).

20. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Brown (U.S. Patent No. 6,691,885) in view of Schurch (U.S. Patent No. 3,981,410).

21. Regarding Claim 10, Brown teaches all the limitations substantially as claimed except for slidable latch bolts. However, Schurch teaches slidable latch bolts 35 (Figure 3). Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify Brown to include slidable latch bolts, as taught by Schurch, in order to easily lock and unlock the walls into place.

#### ***Response to Arguments***

22. Applicant's arguments with respect to claims 1-11 and 13-22 have been considered but are moot in view of the new ground(s) of rejection.

#### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ELIZABETH VOLZ whose telephone number is (571)

270-5430. The examiner can normally be reached on Monday-Thursday, 8am-5pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Stashick can be reached on (571) 272-4561. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/E. V./  
Examiner, Art Unit 3781

/Anthony D Stashick/  
Supervisory Patent Examiner, Art  
Unit 3781